IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.4596 OF 2007

Tanaji S. Jadhav ....Petitioner
V/s.
The State of Maharashtra & Ors. ....Respondents

Mr.R.K. Mendadkar for the Petitioner.
Mr.V.P. Malwankar, AGP for Respondent Nos.1 to 3.

CORAM : F.I. REBELLO &
R.M. SAVANT, JJ.
DATED : 16TH JUNE, 2007.

P.C. :

1. By this Petition filed under Article 226 of the Constitution of India, the Petitioner impugns the order dated 9.4.2007, passed by the Scrutiny Committee invalidating the caste certificate of the Petitioner as belonging to Mahadeo Koli.

2. The Petitioner was granted a caste certificate as belonging to Mahadeo Koli by the Competent Authority on 25.8.1991. On the basis of the said certificate, the Petitioner came to be appointed in Class-IV post in Respondent No.5 - Vidyapeeth. The Petitioner joined Respondent No.4 on 6.8.2003. Since the Petitioner was appointed in a reserved post, the Petitioner’s caste certificate was sent for

verification to Respondent No.2 Committee. The Petitioner filed various documents before the Committee and vide his letter dated 29.3.2007, requested the Committee to decide his caste claim on the basis of the available documents without calling him for hearing. The Committee thereafter proceeded to decide the caste claim of the Petitioner.

3. The Vigilance Cell submitted its report to the Committee and as per the said report, the caste of the Petitioner’s elderly paternal blood relations is recorded as "Hindu Koli" from 1929 to 1963. This was on the basis of the abstract of the school register from the Headmaster, Zilla Parishad School, Mathawade, Taluka Sangola, District Solapur. A tabular statement prepared by the Enquiry Officer as regards the said entries has been reproduced in the impugned order of the Caste Scrutiny Committee. The tabular statement discloses that in respect of the Petitioner’s cousin grandfather’s sister and other elderly paternal blood relations, the caste entered is "Hindu Mahadeo Koli". The Petitioner sought to rely upon certain other entries in respect of the documents which were of recent origin. The Committee rightly rejected the said documentary evidence. On the basis of the entries in respect of the elderly paternal relatives

which are disclosed in the said tabular statement, the Committee was of the view that the Petitioner has not substantiated his case as belonging to Mahadeo Koli and consequently invalidated the caste certificate issued to the Petitioner.

4. We do not find any error in the reasonings of the Committee while arriving at the said conclusion. In that view of the matter, no case for interference in the extra-ordinary jurisdiction under Article 226 of the Constitution of India is made out.

The Petition is therefore dismissed.

(R.M. SAVANT, J.) (F.I. REBELLO, J.)